

DAILY RECORD-UNION

CITY OFFICIAL PAPER.

MONDAY, JULY 26, 1886.

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SAN FRANCISCO AGENCY.

L. P. FISHER is Sole Agent for this paper in San Francisco and vicinity. He is authorized to receive advertisements and subscriptions, and collect for the same. Rooms at 212, Market Street.

NEWS OF THE MORNING.

FOREIGN.—There is talk of a German-Austrian alliance in Russia. Sebastopol and other Black Sea ports have been protected against hostile torpedo boats. An English polo team is coming to America. Dillie and Foster are likely to fight a duel. Yesterday's cholera record for Italy was very light. Gladstone's enemies are at their wits' end in England. Silver in London, 43 1/2; consols, 101 1/2; 4 1/2, 114 1/2.

EASTERN.—Blaine is talked of in Washington as the candidate for the completion of the Monoclonal at Mare Island. There is still subdued excitement on the Texas border over Mexican outrages. Congress is likely to adjourn the last of this week. The new \$1, \$2 and \$5 silver certificates are nearly ready to be issued. The headquarters train of the G. A. R. left Washington yesterday, and hundreds of delegates are now on the route. The Chinese are not on the march. The Greys expedition are again rushing into print. The captain of a Delaware schooner has been murdered by an Italian cook. New York cigar makers decline to join the Knights of Labor. Hearings regarding suffering come from New Foundland and Labrador. Government bonds are quoted in New York at 120 for 4s of 1897; 111 1/2 for 4 1/2; 100 for 3s; sterling, \$4 38; consols, 101 1/2.

PACIFIC COAST.—A half-breed named Hough, who resisted arrest, was killed by the Sheriff of Modoc. Charles Waterman has been drowned in Trinity river. There were two fires at Red Bluff Saturday. Residence of S. Katzner, at Marysville, robbed of \$300 Saturday night. Chinese miners at Peach Flat, Sierra county, have found a \$25,000 nugget of gold. George Lynch died at San Jose yesterday after having had a leg amputated.

THE CASE OF SENATOR HEARST ONCE MORE.

Whoever sent Senator Stanford at Washington a dispatch saying that the Republicans will not, or are pledged not to elect a United States Senator at this session of the Legislature, did not speak from the book, had no authority to voice the opinion of the party and flew in the face of public judgment. Senator Stanford placed no trust in the dispatch. Why it should have been sent passes reason, except it was intended to evoke from him, as a distinguished party man, approval that would help the Hearst faction here out of the Slough of Despond. There is just a question of duty doing in this matter, and nothing more. Senator Edmunds has put the matter in the right light. He says it is a plain duty of the Legislature to elect. If it fails to do so it evades duty. By such failure it cannot help "Uncle George" a particle for the power of the Governor to appoint him is derived from Federal authority and is good only "until the next meeting of the Legislature." When that body met the duty of filling the vacancy was transferred to it. If now it fails to do so the vacancy will be left "existing" and the Governor cannot reappoint Mr. Hearst. But the Senate may permit Mr. Hearst to warm a Senatorial cushion until his successor appears. Such has been its custom of courtesy. But, let us ask, by what authority of law does the Senate do this thing? If there is a vacancy, as the Senators agree, it can only be filled lawfully. To permit one to act as a Senator because no one appears to contest his right, although it is clear that his chair is in law vacant, is a flat violation of law and unbecoming to the Senate. Suppose the validity of some legislative act should depend upon the vote of a "Senator" of that order, does any believe that Courts would hold the "Act" to be valid? While the Senate is so positive—and rightly so—that the Legislature of California must do its duty and select Mr. Hearst's successor, because it is the law of the land, should that grave and dignified body itself appoint a Senator a gentleman clearly not a Senator? The appeal for sympathy has been made in behalf of Mr. Hearst. It is said with a good deal of lip-lipping that it is "rough" and "wrong" and "snap judgment" to fire out Uncle George and put a Republican in his place, that it is a bit of mean partisanship. Let us see if the people elected a Legislature that in turn chose General Miller, a Republican, to be Senator for six years. The people thereby made their will known as to the political character of the man who would be Senator. Death intervened and removed Senator Miller. In the meantime a Democratic Governor is chosen, and he selects a Democrat to fill the unexpired term of the Republican Senator. Now that the Legislature is in session, and has a Republican majority on joint ballot, where is there any injustice, any snap judgment, any lack of courtesy in choosing a man to fill out the unexpired term who is in accord with the political faith embraced by Senator Miller? Is not such action, on the part of the Legislature, simply giving vitality in practical operation to the latest expressed will of the people upon the Senatorial question? The snap judgment, if any, was that taken by Governor Stoneman when he appointed Mr. Hearst. But Republicans did not complain of that at the time, nor do they now, and just the same they do not expect Democrats to complain of them for restoring the Republican succession in the Senate.

TAKING THE FEATHER RIVER.

J. M. Ward, a member of the Legislature, and eight associates have filed a claim of appropriation upon so much of the Feather river as will secure to them the free and unobstructed use of 100,000 inches of water of that stream, to be diverted just below the confluence of the north fork of the river and the main stream. The proposition is to use the water, through the medium of a canal sixty feet wide, for the purposes of irrigation, milling, etc. If the unrestricted operation of seizing upon rivers is continued, there will presently be no stream left free, if indeed any river is now unclaimed. It is admitted that the running waters, far appropriated are held by comparatively a few men. But, regarding the taking of water from it by a sixty-foot canal six feet deep, to check the current of the river as to check navigability except at exceeding high water in winter. Whoever has studied the nature of its discharge into the Sacra-

mento will realize the force of this statement. The Feather is a chief tributary of the Sacramento. Engineer Hall cites in his recent work the laws from the earliest Roman legislation to the latest European, that not only the navigable streams cannot be taken without consent of the sovereign, but that a stream which makes another navigable falls under the same rule. The navigability of the Sacramento being dependent in part upon the full flow of the Feather, does any one suppose that the Federal Government will permit the integrity of the former to be menaced by diversion of the latter? "We do own the headwaters of the Sacramento river," exclaims the Nevada City Herald of the 22d. And after reciting how they are collected and used, adds: "And yet those very same waters, so collected, so used in mining, and so returned to the beds of the streams, keep up the volume of water in the Sacramento river. Appropriation or non-appropriation, are ours, and we will use them as we please, so long as we can do it without violating law. This possesses the virtue of franchises, at least, but the qualifying sentence at the close of the paragraph is a loophole through which the Herald may escape from a dangerous doctrine, when it comes to messer blades with the Government. The truth is that there must be not only no destruction of navigation by artificial filling of the river, but it must not be starved by the diversion of its main stream or the chief tributaries. The river that is navigable belongs to the people of the whole Union, and no individual can acquire a private right in the diversion of its waters.

THE CASE OF CUTTING.

Cutting, an editor, printed in his paper, on American soil, some caustic criticisms on the officials of a town on Mexican soil. Happening to cross the line shortly after, he was pounced upon, locked up, put in a dungeon and on a reduced diet and treated with indignity. The town is in the State of Chihuahua, and its officials refuse to obey the order of the President of the republic to release Cutting, because it is a State matter, and orders from the State authorities must be awaited. In the meanwhile there have been a massing of Mexican troops at the town; Americans were disarmed and treated with indignity; even the attaches of the American Consul's office were assaulted and beaten. Our Government interfered, but nothing has come of it, except to order to release Cutting on bail. This was refused, as it would recognize the right of Mexican authorities to seize and try Americans for a crime committed, if at all, on American soil. The matter has grown into much importance. It demands and is receiving prompt attention at Washington. It is to be hoped that it will lead to a settlement of all the border issues. We must have a clear agreement very soon as to just what our border policy is to be. If Mexico much more provokes the men on the border there will be incursions into Mexican territory, reprisals and outrages that will cost both sides very dear. American citizens must behave themselves in Mexico, but also Mexico must respect the rights of American citizens or take the crushing, such as clearly she will merit if we have a few more parallels to the Cutting case.

BRUTAL.

White men who adopt Indian methods are no better than the Apaches themselves. Montgomery, near Clifton, Arizona, shot and killed one of a band of Apaches. He cut off the head of the Indian, scalp it, and sent it on to Lordburg, on the headlight of a locomotive. The scalp will be sent, says the dispatch, by the officials of the Lordburg and Clifton Railroad, to Mrs. Cleveland. Montgomery is a brute, and deserves the execution of decent men. Civilized people do not mutilate the bodies of their dead foes. On the contrary, they give them sepulture. Montgomery is the kind of timber of which savages are made. The engineer who ran his locomotive to Lordburg with the ghastly frontpiece is another brute, it associate for the Montgomery brute. The officials of the Clifton and Lordburg Railroad, if they send the scalp to Mrs. Cleveland, will also testify to brutal instincts, and Grover ought, in that case, to pack his grip sack, go west and cowlhide the whole indecent lot. Such savagery as that reported in the dispatches from Tombstone is a blot upon our civilization, and the Indians were all the color of heartlessness and the horrible front of savagery.

The telegraph gives the statement of a member of a prominent commercial house in New York and San Francisco as to the injuries of low freights. He says: "As a large shipper both ways, I am in a position to state that the plan upon which the Pacific Railroad reduced freights has resulted in the loss of California manufactures, and in the loss of a corresponding opportunity for the manufacture of California goods. The loss was less to California than coming this way, and the time a period of merchandise could be shipped to California from New York to Chicago. That brought the New York market into as close competition with California as with California. This has been a great loss to California."

Mr. Coffin did not need to tell Californians this. They know now, if they never did before, that the excessively low rate that flows from an undue transcontinental competition is even more damaging to this coast than the high rate that may result from no competition at all.

This appearance on the witness stand of "Pinkerton's" detectives in the Anarchist trials at Chicago, Saturday, was a bomb in the camp of the rascally conspirators. It appears that these detectives were members of the Anarchist gang, red hot red flag fellows, and recognized by the Anarchists as trustworthy and true; but all the while they were acting for their agency, and reporting the doings of the assassins. The chief of them now takes the stand and tells the whole story of the arming of the Anarchists, the making of bombs, the conspiracy to do murder, the plots to burn, etc. Spies, Parsons and the six other ruffians might well be astonished. Such a thing as police officers being of them never entered into their calculations.

It appears now that William T. Coleman's name as well as N. D. Rideout's was unauthorizedly used in the indictment of the extra session business and the attack upon the Supreme Court. Mr. Coleman wires from New York that his name was used unauthorizedly, and that while he is for irrigation, the use of his name by the committee was ill-advised and without his knowledge or consent. The Irrigation Committee ought to be fair and not use names without consent. The fact that a man is a member of a committee does not authorize the majority to append his name to a report of which he has no knowledge, and to which he has not expressly given his consent.

ANTI-RIPARIAN AGITATION.

AUTHORITATIVE STATEMENT BY THE EXECUTIVE COMMITTEE.

A History of the Work of Irrigation Conventions—Misrepresentations Corrected—Etc.

A vigorous war is being waged against the demands of the irrigators of the State for a right to use waters of our natural navigable streams, on the grounds that an attempt is being made on the part of a few wealthy men to monopolize all the waters of the State with the latest appropriation of the State. In view of this fact a brief review of the agitation of this question during the first three years will be of public interest.

In the spring of 1883 the people of Riverside, in San Bernardino county, and the owners of other irrigable lands in southern California, feeling the necessity of the enactment of more definite laws to govern the use and distribution of the waters of the State for irrigation, domestic and beneficial purposes, as these interests were becoming the basis on which the rapidly-increasing wealth of that section must rest, expressed the desire that a State Irrigation Convention be held at an early day to discuss the defects of the then existing law and propose such amendments thereto as the necessities of the case might require. As Riverside was the center of this discussion, a call was drawn up calling a State Irrigation Convention, to meet in Riverside on the 23d of May, 1883. This Convention was largely attended by representatives from all parts of southern California, with a large delegation of irrigators from the San Joaquin valley and a few representatives from the Sacramento valley. The Convention selected J. DeBarth Shorb, of Los Angeles county, to preside over its deliberations. The question of irrigation and the securing water rights and the distribution of water was thoroughly discussed for three days, and the proceedings were published in pamphlet form and widely circulated. This Convention elected a Legislative Committee, to act until the next meeting of the Convention, to prepare a bill for the Legislature, to be introduced at the next session of the Legislature, to be introduced at the next session of the Legislature.

At the Riverside Convention this riparian question was raised, and it soon became evident that it eclipsed all questions brought up for discussion. In the autumn of 1884 this Legislative Committee, acting under the authority of the power which created it, called a second Convention, to meet at Fresno on the 4th of December of that year. At this second session there was present a large body of men who owned the soil to be irrigated, to wit: the owners of the great sugar companies, all of whom were interested in securing the right to use the waters of the State for irrigation purposes.

This Fresno Convention increased its Legislative Committee to eighteen, and for three days and nights this committee was in session, working upon a platform of principles which were to govern the Convention in asking for future legislation. These principles were thoroughly discussed by the committee, and they were adopted by the committee, which was composed of every shade of thought and interest in this great complex question. The platform as adopted was presented to the full Convention, and unanimously adopted by that body by a rising vote of over one hundred representatives. The committee then adopted a resolution, to wit: That the committee be and they are authorized to visit all parts of the State, to ascertain the needs of the people, and to report thereon to the next meeting of the committee, which was composed of every shade of thought and interest in this great complex question. The platform as adopted was presented to the full Convention, and unanimously adopted by that body by a rising vote of over one hundred representatives. The committee then adopted a resolution, to wit: That the committee be and they are authorized to visit all parts of the State, to ascertain the needs of the people, and to report thereon to the next meeting of the committee, which was composed of every shade of thought and interest in this great complex question.

Up to this time no large moneyed interests had stepped forward to join the anti-irrigation cause, and the people who owned the water to irrigate their lands had championed the cause, and were working to the best of their ability to save the waters of the State, as they honestly believed, from impending ruin. It is true that W. B. Carr dropped into the Fresno Convention, and on the last day of its session, but he did not place his name on the roll of membership, and he refused to participate in its deliberations directly, or influence its action indirectly.

The Legislative Committee of Eighteen, acting under the authority of the power which created it, called a third Convention, to meet at San Francisco on the 4th of December of that year. At this third session there was present a large body of men who owned the soil to be irrigated, to wit: the owners of the great sugar companies, all of whom were interested in securing the right to use the waters of the State for irrigation purposes. This San Francisco Convention increased its Legislative Committee to twenty, and for three days and nights this committee was in session, working upon a platform of principles which were to govern the Convention in asking for future legislation. These principles were thoroughly discussed by the committee, and they were adopted by the committee, which was composed of every shade of thought and interest in this great complex question. The platform as adopted was presented to the full Convention, and unanimously adopted by that body by a rising vote of over one hundred representatives. The committee then adopted a resolution, to wit: That the committee be and they are authorized to visit all parts of the State, to ascertain the needs of the people, and to report thereon to the next meeting of the committee, which was composed of every shade of thought and interest in this great complex question.

Up to this time the Executive Committee had the hearty interest and approval of the people of the State, with rare exceptions. In April, 1885, the Supreme Court, by a bare majority of one, decided in its decision the celebrated case of Miller & Lux vs. Haggis & Carr, in which the principle of riparian rights was clearly announced in such a manner that it made the irrigators of the State tremble for the safety of their rights and homes.

An "extraordinary occasion" arose, and the Executive Committee at once issued its call for a third State Irrigation Convention, to be held in the city of San Francisco on the 29th of May, 1885. This Convention was largely attended by delegates from all parts of the State, and was held in the city of San Francisco, at the Hotel Grand Pacific. The Convention was presided over by J. DeBarth Shorb, of Los Angeles county, and was attended by a large number of men who owned the soil to be irrigated, to wit: the owners of the great sugar companies, all of whom were interested in securing the right to use the waters of the State for irrigation purposes.

Prior to the San Francisco Convention the President and Secretary of the Executive Committee had signed the names of the entire committee to any public call or document they desired to issue, acting under the directions of the various members of the committee who gave them their power.

The San Francisco Convention indorsed the bills prepared by this Executive Committee, with slight modifications, and instructed the committee to continue its work and crystallize them into law, as far as possible, at the earliest possible moment. The public sentiment of the State, as expressed through the State Irrigation Convention and the public press, appeared to demand these laws, and this demand has been backed up by the petitions containing over forty thousand names.

Believing that this work could be done better at an extra session rather than at a regular session, when public business would be taken up by general legislation, Governor Stoneman, at the request of the members of the Legislature, called an extra session of the Legislature, to be held on the 10th of June, 1885. At this session the Legislature, summoned that body to meet and discuss the questions which were of such paramount importance.

Upon the issuance of this call, which took the people by surprise, many newspapers suddenly discovered that the issue was a personal one between two very wealthy men—Haggis & Carr being on the one side, and Miller & Lux on the other—and the people and their rights were entirely lost sight of.

The facts of the case are that the question stands to-day just where it did when the Legislature was in session during the winter and spring of 1885, with this single difference, that the time the Legislature met was an indefinite quantity; now it is a fixed fact, so far as a majority of one in the Supreme Court can fix it.

The soil in proportion to the acreage of each. There are no capitalists whose interests conflict with the interests of the men who own the land to be irrigated. The well-known fact exists in nearly every case throughout Southern California.

The enforcement of the Supreme Court decision would practically wipe out of existence the south end of the State, and the main reason that can be assigned for the present prosperous times in that section is the fact that no one can be brought to believe that any people or any section of country will ever submit to being wiped out of existence even by a Supreme Court decision.

By the enforcement of the Supreme Court theory all the waters of the Santa Ana river would be turned back into the stream or ditch among the riparian owners in such a way as to practically destroy Riverside, Highlands, Laguna, Redlands, Anaheim, Santa Ana, Orange and Tustin to the extent of 80,000 acres of the most fertile and valuable soil in the State, to say nothing of smaller settlements—this destruction on one stream, to say nothing of the other irrigation interests of the State.

This is not a contest between Lux and Haggis, it is a contest to save the great irrigation interests of the State from ruin. Rather than that this decision should stand, the State could better afford to buy the rights of both of the great riparian owners and request them to leave the State.

The people who have been conducting this campaign for the last three years are opposed to any monopoly of the waters. Messrs. Haggis & Carr do not represent the irrigation side of this question in any comparative way. They are only incident to this question—their case happening to be in this instance the test case.

This Irrigation Executive Committee have perfected what was known before the Legislature as the District Bill, which, with some modifications, perhaps, will thoroughly protect the people from any water monopoly. The Legislature will be called upon to pass this or some other measure at an early day that will afford the people ample protection.

This bill is in connection with the Miller & Lux case, but that under the District Bill law, neither the Haggis & Carr nor the Miller & Lux case will be a test case. This is a statement of facts—the opinion of interested parties to the contrary notwithstanding.

By request of the Executive Committee, L. M. HOLZ.

SOCIAL AND PERSONAL.

W. F. Knox left yesterday for San Jose. C. A. York left yesterday for Lake Tahoe. C. H. Gilman left for San Francisco yesterday. Charles H. Rott left yesterday morning for Coalinga. Mrs. Theodore Klebs and children have gone to Monterey. C. W. Clement and family, of Galt, are at Santa Cruz. District Attorney Sprague, of Yolo county, was in the city yesterday.

Miss Kate Hyde, of Benicia, is visiting Miss M. E. B. Crocker, of San Francisco. Miss Edith Smith, of Fresno, is visiting relatives in San Francisco. Miss Maudie Campbell, of Oakland, is visiting Mrs. H. H. Linnell.

Miss Eliza and Josie Wittenbrook have gone to Cleo for a few weeks' sojourn. Mrs. E. B. Crocker passed through yesterday from Tahoe to San Francisco. Samuel Pope has gone to Lake Tahoe and vicinity for a few weeks' sojourn.

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CHASED BY A LION.—Last Wednesday night an exciting adventure and narrow escape from death was experienced by C. W. Harvey, a painter, well-known in this vicinity. He was riding horseback from Sardine Valley to Lodi, and while going down the grade through the thick timber, the wild and unearthly scream of a California lion sounded close at hand by the side of the road. Instantly the horse reared, a bound, nearly unseating the rider; at the same time the lion gave a spring and landed in the road a few feet in the rear. Then commenced a race down the grade. Nearly paralyzed with fear, the rider hung on for dear life, while the lion made terrific leaps at the attempt to overtake and devour him. The race continued for nearly a mile before the wild animal abandoned the idea of overtaking his would-be victim. Had not Mr. Harvey been an experienced rider, he would have been thrown off at the first jump of his steed, and the result would probably have been the same. He would have had a sumptuous repast. As it was, the shock to his nervous system was so great that it was several days before he recovered.—Truckee Republic, July 24th.

VALLEY VISIONS.—Mining speis from the country are not popular here now since the imprisonment of Hank Place. There is not another community in the State where these men would be safe under the same circumstances. The miners are a good-natured, law-abiding lot of fellows, and stand a good deal of provocation, but when they get woke up they won't stand much foolishness.—Nevada City Herald.

MINING EXCITEMENT.—A fine ledge of gold bearing ore is said to have been discovered a few days ago about three miles below Breese, near the river, on the opposite side from the railroad. The ledge is six feet wide, and the rock is said to assay \$75 per ton. The discovery was made with a sheep-skin, and the vicinity is alive with prospectors. This may be a good mining camp sometime.—Truckee Republic.

TIN MINING.—The discovery of tin was made a week ago by Mr. J. H. Brown, on Oyster Bay, about twelve miles west of Olympia. In his prospecting tours he struck some ore in the foothills, back of his ranch, which he had assayed. The assayer reported that the ore contained sufficient percentage of tin to warrant further investigation of the find. The discoverer proposes to ascertain the extent of the ore. Tin is of quite rare occurrence in this country, and a stamie mine on Puget Sound would not be an insignificant item.—Exchange.

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